

REMARKS

This submission is intended to address the issues outstanding from the final Office Action dated May 6, 2005.

In the final Office Action, each of the independent claims, Claims 114 and 133 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Qmodem-Advanced Communications Operations Manual, Version 4.0, 1989 (Qmodem). The rejection is respectfully traversed.

As defined in each of independent Claims 114 and 133, Applicant's invention comprises, *inter alia*, a plurality of graphical user interface functions stored and executable at the user station, and associated with an application, and used to present the user with different customized graphical user interface functions for different selected online services in support of the application function. The Office acknowledged that Qmodem does not expressly teach a user interface function that presents the user with a customized user interface for each different online service provider. More to the point with respect to Claims 114 and 133, however, Qmodem does not disclose presenting a user with of different customized graphical user interface functions stored and executable at the user station for different selected online services in support of an application function, as is particularly claimed.

The Office's conclusion of obviousness, notwithstanding the acknowledged deficiency of the Qmodem reference, reflects clear and impermissible resort to hindsight in view of Applicant's own teachings. Consider the following excerpt from page 4 of the final Office Action:

Qmodem does not expressly teach a user interface function that presents the user with a customized user interface for each different online service provider. However, **as understood by the Examiner after reading the Applicant's specification** (pg. 40-44), the generic application function provides an open-ending software. There are no customized interfaces for each of the online-service providers stored on the system initially, but allows for publishers to download to the user station customized interfaces via connection to the publisher's service. The open-ended software **disclosed by Applicant** allows for the user interface for each online-service providers to be rewritten to include customized interfaces when the user station dials into the publisher's servers. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention (Added emphasis in **bold**.)

Such reliance upon Applicant's own disclosure in support of the asserted rejection is manifestly improper. Moreover, the Office's characterization of Applicant's invention misconstrues the scope of the disclosure.

Applicant's invention is not limited to downloading of customized interface functions. Such customized functions may clearly be provided initially with an information product, as on disk, for example. See, e.g., page 1, lines 22-23 in conjunction with page 13, lines 19-23 of the specification.

Applicant would further note that the online services on page 110 of Qmodem, also mentioned in the rejection, do not have customized graphical user interfaces, but rather are limited to use of a standard ASCII terminal window. Such an ASCII terminal window does not permit a graphical user interface to be associated with any application functions supported by an online service; nor does it permit any user interface associated with any application functions supported by online services to be stored and executable at the user station. Qmodem does not disclose any concept of a graphical user interface associated with the application function of an online service at all. (Qmodem uses a graphical user interface only in to support its own basic communications functions, such as call establishment, etc.) Also, when user interface functions are based on a terminal window, as with Qmodem, all such functions (and any variation or customization in such functions) must be stored

and executable at the respective online services, not at the user station.

As has been amply demonstrated by the foregoing discussion, the outstanding rejection of Claims 114 and 133 is untenable and should be withdrawn. Claims 114, 133, and their respective dependents are clearly patentable over the Qmodem reference. The secondary reference to Pettus, which was cited with respect to several of the dependent claims, is not seen to overcome the more fundamental deficiency of the Qmodem reference discussed above.

While the above discussion has focused on the two pending independent claims, Applicant wishes to call particular attention to several dependent claims that were also rejected over Qmodem.

Dependent Claims 130 and 149, which were not specifically discussed in the rejection, recite that the presentation of each of the customized graphical user interface functions is facilitated by the use of a common general purpose user interface software package stored and executable at the user station. Such capabilities are taught in the section on "Packaging of Transporter with User Interface/Database Search Software Facilities". (beginning on page 35 of the specification) and elsewhere. There is no teaching or suggestion of this feature in Qmodem.

Dependent Claims 131 and 150, also not specifically discussed in the rejection, recite that each of the customized graphical user interface functions operates as a customized element of a common user interface software package stored and executable at the user station. Qmodem lacks any teaching or suggestion of the foregoing feature.

Regarding Claims 117 and 136, Applicant respectfully notes that the Office's equating of a menu with an application programming interface (API) is inappropriate. API's interface program to program (see, e.g., page 14, lines 17+ in the specification), as contrasted with menus, which interface a user to a program.

Regarding Claims 118-123 and 138-143, Applicant does not accede to the asserted definition of an object manifest based on the instant specification. Nevertheless, these claims are patentable for at least the same reasons as their respective base claims discussed above.

A favorable action on the merits is respectfully solicited.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and

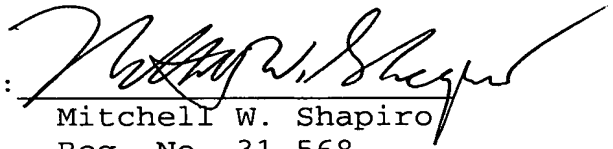
has not been requested separately, such extension is hereby requested.

Respectfully submitted,

MWS:kss

Miles & Stockbridge P.C.
1751 Pinnacle Drive
Suite 500
McLean, Virginia 22102
(703) 903-9000

By:


Mitchell W. Shapiro
Reg. No. 31,568

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